



Arizona State Senate *Issue Brief*

August 21, 2007

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series, which includes the *Issue Brief*, *Background Brief* and *Issue Paper*, is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

Carrying Concealed Weapons in Arizona

INTRODUCTION

The second amendment of the U.S. Constitution provides the right of the people to keep and bear arms. Similarly, the Arizona Constitution states that “the right of the individual citizen to bear arms in defense of himself or the state shall not be impaired.” States differ on the extent to which they regulate gun ownership and practices, such as issuing a permit to carry a concealed weapon (CCW permit). While federal law places certain restrictions on gun possession and operation, state laws may be enforced to the extent that they do not conflict with federal law.

One example of federal gun ownership regulation is the Brady Handgun Violence Prevention Act (Brady Act) of 1993. The Brady Act requires a background check on any individual purchasing a gun from a licensed dealer to ensure that the person may lawfully possess a firearm. Federal law places restrictions on the purchase of firearms for reasons of age, criminal history, and mental incompetence. If the purchaser already holds a permit that requires a background check, such as a CCW permit, the person is exempted from the background check under the Brady Act. Arizona passed its concealed carry law in 1994, the year following the Brady Act.

ARIZONA CCW PERMIT REQUIREMENTS

In general, persons in Arizona may carry weapons without a permit as long as the weapon is visible. Furthermore, if the weapon is in a holster or similar carrying case, the possessor does not need a CCW permit so long as the holster is completely or partially visible.

However, Arizona law permits, with certain restrictions, a U.S. citizen to carry a weapon concealed if they have received a CCW permit. CCW permits apply to handguns and other lethal weapons, excluding pocket knives. Arizona is a “shall issue” state, meaning that the agency issuing the permit, the Arizona Department of Public Safety (DPS), may not deny a CCW permit application if the applicant meets all statutory requirements. Arizona law requires applicants to: be residents of Arizona or U.S. citizens, be lawfully present in the U.S., be at least 21 years old, and

satisfactorily complete a firearms safety training program. Applicants must not be under indictment for, or convicted of, any felony in any jurisdiction, mentally ill or adjudicated mentally incompetent.

Firearms Safety Training Programs

The required initial training course to obtain a CCW permit is eight hours in length, must be approved by the DPS Concealed Weapons Permit Unit (CWPU) and must address six issues: 1) the legality of use of deadly force; 2) weapon care and maintenance; 3) mental conditioning for the use of deadly force; 4) safe handling and storage of weapons; 5) marksmanship; and 6) judgmental shooting. It is conducted on a pass or fail basis and is taught by approved instructors who have submitted to criminal background checks. Classes are often a combination of a lecture format and range training. Instructors provide persons who satisfactorily complete the training program with an application for a CCW permit, a fingerprint card and a return envelope.

As of April 2007, over 400 different organizations or instructors, including several community colleges, in Arizona offered an approved firearms safety training program. The name and contact information of each program is available on the CWPU's website. Fee charged for the training program, is separate from the fee for the CCW permit itself.

Initial Applications

To apply for a CCW permit, a person must submit to DPS a completed application, a certificate of completion from an approved firearms safety training course, fingerprints and an application fee. Arizona law requires the Director of DPS to determine the fee that must accompany an initial, and renewal, application for a CCW permit.

Arizona law requires DPS to check the criminal history of every applicant against the Central State Repository for criminal records in the State of Arizona within 60 days of receiving an application. DPS may exchange fingerprint

information with the Federal Bureau of Investigation (FBI) for federal criminal history checks. If the applicant qualifies for a CCW permit, Arizona law requires DPS to issue the permit within 15 working days of completing the background checks. However, according to the CWPU, permits are typically issued or mailed well within the 15-day period.

Renewals

An Arizona-issued CCW permit, with certain exceptions for the armed forces, is valid for five years upon issuance and may be renewed every five years. Permits issued prior to August 12, 2005, expire after four years, but once renewed are valid for five years. In the past, a person who applied for renewal of his or her CCW permit was required to take a refresher training course, covering the same topics as the initial training course. In 2006, the Legislature eliminated this requirement, allowing a person to renew his or her CCW permit without attending the refresher course.

The CWPU mails renewal packets to permit holders approximately 60-90 days before the permit is set to expire. The renewal application is also available on the CWPU website. Through December 31, 2007, a person applying for the first renewal of his or her CCW permit must resubmit two sets of fingerprints to DPS along with the application and a renewal fee. If a person is applying for renewal for the second time or more, he or she is not required to submit fingerprints. Beginning January 1, 2008, however, fingerprints will no longer be required for any CCW permit renewals.

Upon receiving an application for renewal, DPS must perform another criminal history check on the applicant within 60 days. If the applicant is no longer eligible for a CCW permit, DPS must suspend or revoke the permit and notify the applicant in writing. If a renewal application is received 60 days or more after the date of expiration of the CCW permit, DPS must deny the application and the applicant must again complete the initial eight-hour firearms safety training course.

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PENALTIES, RESTRICTIONS AND EXCEPTIONS

A person who carries a weapon concealed on his or her person or within immediate control of any person in or on a vehicle, without a CCW permit, is guilty of a class 1 misdemeanor. When carrying a concealed weapon, a CCW permit holder must keep the permit with them and be prepared to present it to a law enforcement officer upon request; failure to do so is a class 2 misdemeanor. Beginning September 19, 2007, the penalty is reduced to a petty offense.

Arizona and federal law prohibit firearms in certain situations, regardless of whether a person possesses a CCW permit. Firearms are prohibited in the following locations, with some exceptions for peace officers: polling places on election day; nuclear power plants or hydroelectric generating stations; businesses serving alcohol; military installations; Indian reservations; federal buildings; airports, except that firearms may be transported subject to federal rules; correctional facilities; national parks and game preserves.

In Arizona, specifically, firearms are prohibited in public buildings and events if the owner or sponsor requests that a person carrying a weapon place the weapon in storage. In addition, the owner of a private establishment may request a person carrying a firearm to remove the gun from the premises; a person who refuses to comply may be charged with criminal trespassing. Furthermore, firearms are not allowed on school grounds, with the following exceptions: a firearm carried by an adult in a vehicle, provided that the firearm is not loaded and if the adult leaves the vehicle, it must be locked and the firearm may not be visible from the outside, and a firearm that is used in a program approved by the school.

Law Enforcement Officers

In Arizona, persons who are active duty Arizona Peace Officer Standards and Training Board (AzPOST) certified, federally credentialed peace officers, honorably retired federal, state or local peace officers with a minimum of ten years of service, or active duty

county detention officers who have been weapons certified, are exempt from the initial firearms safety training requirement to obtain a CCW permit.

The Law Enforcement Officers Safety Act, which was passed by Congress in 2004, allows qualified law enforcement officers to carry a concealed weapon nationwide; however, the law enforcement officer must also carry: a) a photo ID issued by the agency for which they work or from which they retired, indicating the individual has, within the past year, been tested and meets state qualifications to carry a firearm; or b) a photo ID issued by the agency for which they work or from which they retired, and a certification issued by the state in which they reside indicating the individual has, within the past year, been tested and meets state qualifications to carry a firearm.

In 2005, Arizona took steps to implement the Law Enforcement Officers Safety Act by allowing DPS to issue firearm proficiency certificates. In 2006, the Legislature exempted qualified law enforcement officers who obtain this proficiency certificate from the initial training course required to obtain a CCW permit.

RECIPROCITY

A person holding a CCW permit from another state must meet specified statutory requirements in order to use the permit in Arizona. The permit holder must be legally present in Arizona but is not required to be an Arizona resident, and the person must not be legally prohibited from possessing a firearm under Arizona law. In addition, the CCW permit must be recognized as valid in the issuing state. A person who moves to Arizona and has a CCW permit issued by another state must obtain an Arizona-issued CCW permit in order to carry a concealed weapon.

In order for a person with an Arizona-issued CCW permit to carry concealed in another state, the person must be in compliance with that particular state's laws. Some states require a written reciprocal agreement in order to recognize CCW permits issued by other states. As of January 2007, Arizona has written

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reciprocal agreements with the states of Alaska, Arkansas, Ohio, South Dakota and Texas and has pending agreements with Idaho, Mississippi and Pennsylvania. The following 21 states recognize Arizona-issued CCW permits without a written reciprocal agreement: Alabama, Colorado, Delaware, Florida, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Utah, Virginia and Wyoming. The remaining 21 states do not recognize Arizona CCW permits.

NUMBER OF ARIZONANS WITH CCW PERMITS*

Age	Male	Female
21-29	7538	1493
30-39	11221	2585
40-49	13409	4123
50-59	17452	5398
60-69	16636	3427
70-79	7200	763
80+	1265	70

*Note: Data provided by the Arizona Department of Public Safety, Concealed Weapons Permit Unit. Data current as of April 19, 2007.

ADDITIONAL RESOURCES

- Weapons and Explosives statutes: Arizona Revised Statutes, Title 13, Chapter 31
- Arizona Department of Public Safety, Concealed Weapons Permit Unit: <http://www.azdps.gov/ccw/>
- Arizona Administrative Rules R13-9-101 through R13-9-603
- Law Enforcement Officers Safety Act of 2004, Public Law 108-277 (HR218)
- FBI National Instant Criminal Check System: <http://www.fbi.gov/hq/cjisd/nics.htm>